

Attorney Docket: UNSN.2105.0003
Application Serial No. 10/523,797

Remarks

Upon entry of the foregoing Response, claims 21-40 are pending in the application. **No claim has been amended** and new matter is being presented. In view of the following remarks, reconsideration and allowance of all the pending claims are requested.

Applicant's Response to the Examiner's Response to Arguments

On pages 2-3, item 1 of the Office Action dated May 28, 2009, the Examiner stated that both "the invention of Martino" and Applicant's "instant invention" "are directed to shifting in a circular manner the cells of the respective boards or arrays" and "[b]oth inventions are directed to manipulating the 'boards' until respective symbols correspond to desired position or state."

However, Applicant respectfully disagrees with the Office Action dated May 28, 2009, and asserts that Martino does not disclose or suggest, among other things, "the matching board moves to allow the certain cell of the matching board to correspond with the first cell of the reference board if the certain cell and the first cell are not already in correspondence with one another," as recited in independent claim 21.

Accordingly, Applicant respectfully traverses the following portions of Martino as cited by the Office Action date May 28, 2009, in order to assert that *Martino does not disclose or suggest all of the elements as recited* in independent claim 21, thereby confirming that the Office's rejection is improper because a *prima facie* case of unpatentability has not been established.

Page 3, line 12 of the Office Action dated May 28, 2009 states that column 5, lines 20-33 of Martino teaches "the matching board moves to allow," as recited in independent claim 21. However, the cited portion of Martino appears to be limited to stating that "the user may alter the positions of the symbols (A0-D3)," such that "[p]ressing a manipulator button on a given column or row shifts the entire corresponding string (row or column) of SYMBOLS in a circular fashion in the direction of the button."

That is, the above cited portion of Martino does not disclose or suggest "the matching board moves to allow," as recited in independent claim 21, but instead appears to merely move a portion of symbols A0-D3 based on a single row or column.

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Page 3, line 13 of the Office Action dated May 28, 2009 states that FIGS. 3 and 4 (element “A1”) of Martino teach “the certain cell,” as recited in independent claim 21. **However**, although the cited portion of Martino appears to display certain cells, the entire portion of the claim limitation of independent claim 21 recites “the matching board moves to allow the certain cell,” and it is clear that FIGS. 3 and 4 of Martino merely illustrate cells shifting row by row or column or column. That is, Martino does not disclose or suggest “*the matching board moves* to allow the certain cell” (emphasis added), as recited in independent claim 21.

Page 3, line 14 of the Office Action dated May 28, 2009 states that FIGS. 3 and 4 (elements “C1, D0, A3, C2, A3, C2, C1, and D0”) of Martino teach “of the matching board,” as recited in independent claim 21. **However**, again, FIGS. 3 and 4 of Martino merely illustrate cells shifting row by row or column or column, and therefore do not disclose or suggest, among other things, “the matching board moves to allow the certain cell of the matching board,” as recited in independent claim 21.

Page 3, line 15 of the Office Action dated May 28, 2009 states that column 3, lines 30-44 and column 5, lines 40-44 of Martino teach “to correspond with,” as recited in independent claim 21. **However**, the cited portions of Martino appear to be limited to describing how each of a plurality of KEY SYMBOLS within an ARRAY must be manipulated (row by row or column by column), in order to type in a user’s pin. Then, Martino verifies whether the KEY STATE within the displayed ARRAY matches a KEY STATE definition, which is not the same as “the matching board moves to allow the certain cell of the matching board to correspond with,” as recited in independent claim 21.

Page 3, line 16 of the Office Action dated May 28, 2009 states that FIGS. 3 and 4 (element “C2”) of Martino teach “the first cell,” as recited in independent claim 21. **However**, again, FIGS. 3 and 4 of Martino merely illustrate cells shifting row by row or column or column, and therefore do not disclose or suggest, among other things, “the matching board moves to allow the certain cell of the matching board to correspond with the first cell,” as recited in independent claim 21.

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Page 3, line 17 of the Office Action dated May 28, 2009 states that FIGS. 3 and 4 (elements “C1, D0, A3, C2, A3, C2, C1, and D0”) of Martino teaches “of the reference board,” as recited in independent claim 21. **However**, the cited portion of Martino appears to be limited to only one array. In other words, there is no second array in Martino for comparing a first cell of a first array to a first cell of a second array. Therefore, it is clear that Martino does not disclose or suggest, among other things, the matching board moves to allow the certain cell of the matching board to correspond with the first cell of the reference board” (emphasis added), as recited in independent claim 21.

Page 3, lines 18-21 of the Office Action dated May 28, 2009 state that FIGS. 3 and 4, and column 4, lines 55-56 and 61-64 of Martino teach “if the certain cell and the first cell are not already in correspondence with one another,” as recited in independent claim 21. More specifically, the Office Action dated May 28, 2009 states that “rows two and three are manipulated until elements A1 and C2 (of FIG. 4) are in proper correspondence with one another, thus forming the users KEY STATE.” See page 3, lines 19-21 of the Office Action dated May 28, 2009.

However, the cited portions of Martino merely state that a modified ARRAY STATE is displayed in accordance with user manipulations, and there is a time limit to input the manipulations. In other words, the cited portion of Martino does not disclose or suggest, among other things, “if the certain cell and the first cell are not already in correspondence with one another,” as recited in independent claim 21.

Accordingly, in view of the above, since Martino does not disclose or suggest all of the elements set forth in independent claim 21, a *prima facie* case for unpatentability has not been established and withdrawal of this rejection and allowance of these claims are respectfully solicited.

Rejection under 35 USC § 102

Claims 21-24, 34-32 and 40 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,276314 to Martino et al. (hereinafter “Martino”). Applicant respectfully requests reconsideration and withdrawal of this rejection for at least the above reasons presented in Applicant’s Response to the Examiner’s Response to Arguments.

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Dependent Claims 22-24, 26-32 and 40

With respect to claims 22-24, 26-32 and 40, in addition to features recited therein, it is respectfully submitted that for at least the reason that claims 22-24, 26-32 and 40 depend from independent claim 21, which is allowable for at least the reasons provided above, and therefore contain each of the features as recited in independent claim 21, dependent claims 22-24, 26-32 and 40 are also allowable, and withdrawal of this rejection and allowance of these claims are respectfully solicited.

Rejection under 35 USC § 103 to Martino and Nguyen

Claim 25 is rejected under 35 USC §103(a) as being unpatentable over Martino in view of U.S. Patent No. 7,036,091 to Nguyen. Applicant respectfully traverses the above rejection for at least the following reasons, and Applicant submits that the Office's rejection is improper because a prima facie case of obviousness has not been established.

With respect to Nguyen, it is submitted that Nguyen does not satisfy the deficiencies of Martino, and therefore, with respect to claim 25, it is respectfully submitted that in addition to features recited therein, for at least the reason that claim 25 depends from independent claim 21, which is allowable for at least the reasons provided above, and therefore contain each of the features as recited in independent claim 21, dependent claim 25 is also allowable, and withdrawal of this rejection and allowance of this claim are respectfully solicited.

Rejection under 35 USC § 103 to Martino and Pimpo

Claim 25 is further rejected under 35 USC §103(a) as being unpatentable over Martino in view of U.S. Patent No. 6,021,653 to Pimpo. Applicant respectfully traverses the above rejection for at least the following reasons, and Applicant submits that the Office's rejection is improper because a prima facie case of obviousness has not been established.

With respect to Pimpo, it is submitted that Pimpo does not satisfy the deficiencies of Martino, and therefore, with respect to claim 25, it is respectfully submitted that in addition to features recited therein, for at least the reason that claim 25 depends from independent claim 21, which is allowable for at least the reasons provided above, and therefore contain each of the features as recited in independent claim 21, dependent claims 25 is also allowable, and withdrawal of this rejection and allowance of this claim are respectfully solicited.

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Applicant Respectfully Requests

If the rejection is maintained, Applicant respectfully request specific citations from alleged reference(s) showing each and every recited element of Applicant's Claims. It is respectfully submitted that alleged reference(s) do not disclose or suggest each and every element of the instant Claims. Accordingly, since all of the features are not taught, disclosed, nor suggested by the reference(s), Applicant respectfully submits that a *prima facie* case of unpatentability has not been established. Therefore, allowance and withdrawal of the rejection are respectfully requested

Conclusion

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and, as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided below.

Respectfully submitted,

Dated: August 27, 2009

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